

DRAFT - Inspection Report

Mille Lacs Band of Ojibwe Indians

November 2013

DRAFT - Inspection Report (2013)
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Background:

This report summarizes what was found during the inspections. It also contains recommendations for enforcement as well as additional compliance assistance.

Table 1. Facilities Inspected in July and August of 2013

	Date	Facility	Location	Facility Participants
1	10/30/13	Morning Star	104 N. Main Street, Wahkon, MN 56386	
2	10/30/13	Trailside Convenience Store	750 Highway 47, Isle, MN 56342	Dee Ann Kacon
3	10/30/13	Federated Co-Op	925 Highway 47 S., Isle, MN 56342	Carol Westling
4	10/31/13	MLB Convenience Store	40955 U.S. Hwy. 169, Onamia, MN 56359	Dave Peer
5	11/1/13	East Lake Convenience Store	36040 State Highway 65, Mc Gregor, MN 55760	Dave Peer
6	11/1/13	Crossroads Convenience Store	63144 State Hwy 48, Hinckley, MN 55037	Dave Peer
7	11/15/13	Anderson Brothers Inc.	38721 Highway 169, Onamia, MN 56359	Mark Anderson
8	11/15/13	Onamia School Bus Garage	35465 125th Avenue, Onamia, MN ZIP	
9	11/15/13	Isle Public School	585 Isle Street W., Isle, MN 56342	Kevin Schultz
10	11/15/13	Grand Casino, Hinckley	777 Lady Luck Drive, Hinckley, MN 55037	Gordy Matrious

Table 2. EPA Representatives

Scott Hansen – Credentialed Inspector with the Mille Lacs Band of Ojibwe Indians Mark Restaino – Enforcement Officer with U.S. EPA

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Trailside Convenience Store

The inspector arrived at the Trailside Convenience Store at 9:20 am on October 30, 2013. The Inspector met with Dee Ann Kacon. The inspector observed one (1) 10,000 gallon, two (2) 4,000 gallon, one (1) 2,000 gallon and two (2) 1,000 gallon USTs located at the facility. (See Table 4).

The inspector observed 12 months of passing SIR records for all of the USTs and associated piping. The reports appear to be returned in a timely fashion. The facility provided the inspector with documentation indicating that the cathodic protection (CP) was tested on September 15, 2011 and it appears to meet all of the requirements. The inspector observed spill buckets on all of the USTs. The inspector indicated that only tanks 1-4 had overfill protection (flapper).

The facility did not have any records of an automatic line leak detector functionality test conducted within the last year. Records indicate that the last time the test was conducted was August 29, 2012. The facility faxed a copy of the test, conducted on November 27, 2013.

Table 4. UST Info for Trailside Convenience Store

	1	2	3	4	5	6
Contents	Gas (87)	Diesel	Gas (91)	Gas (mid)	Diesel	Kerosene
Capacity:	10,000	4,000	4,000	2,000	1,000	1,000
Tank Construction :	Steel	Steel	Coated Steel	Steel	Steel	Steel
Tank Walls:	Single	Single	Single	Single	Single	Single
Tank RD:	None	None	None	None	None	None
Tank CP:	Anode	Anode	Anode	Anode	Anode	Anode
Pipe Construction :	Steel	Steel	Coated Steel	Steel	Steel	Steel
Pipe Walls	Single	Single	Single	Single	Single	Single
Pump Type	Pressurized	Pressurized	Pressurized	Pressurized	Suction	Suction
Piping RD	SIR/ALLD	SIR/ALLD	SIR/ALLD	SIR/ALLD	SIR	SIR
Piping CP	Anode	Anode	Anode	Anode	Anode	Anode
Spill Protection	Yes	Yes	Yes	Yes	Yes	Yes
Overfill:	Flapper	Flapper	None	Flapper		

Possible Violations:

1. 280.44(a) – Failure to provide adequate line leak detector system for underground piping (Did not conduct functionality test of ALLD)
2. 280.20(c)(1)(ii) – Failure to provide adequate overfill prevention equipment in a new tank

Questions for Scott:

1. What is going on with overfill. In 2010 I found flappers in all 6 USTs. In 2012 and 2013 you observed flappers in Tanks 1-4 only. We need to figure this out. Last year they should have been

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Trailside Convenience Store

notified of this problem, but I missed it. I check the state website and there is no indication of the type of overfill device used. I will double check our records.

2. Did you mean to send me a copy of the CP test? The inspector report says see attached, but I did not find the records.

Recommendations:

I think a field citation might be warranted for both violations.

Compliance Assistance Recommendation:

Remind the facility of the annual testing requirements.

See if the facility has any records of what type of overfill is being used (Invoice, as built drawings, etc...)

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Federated Co-op

The inspector arrived at the Federated Co-op at 10:30 am on October, 2013. The Inspector met with Carol Westling. The inspector observed one (1) 12,000 gallon, two (2) 10,000 gallon, one (1) 6,000 gallon and one (1) 4,000 gallon USTs located at the facility (See Table 5).

The facility uses a Gilbarco 350 ATG to monitor the UST and associated piping. The inspector observed 12 months of passing leak detector records for all of the USTs. The inspector reviewed the line leak detection records and found that each line passed a 0.1 gal/hr test within the last year. The facility provided records indicate that the ALLD was last tested on August 7, 2013. The tanks and piping are protected from corrosion using impressed current. The CP system was tested on August 7, 2013. The facility maintains a monthly log book of the current readings.

The inspector observed a crack in one of the spill bucket for Tank 3.

Table 5. UST Info for Federated Co-op

	1	2	3	4	5
Contents	Gas (Reg)	Gas (Mid)	Gas (Prem)	Diesel (2)	Diesel (1)
Capacity:	12,000	10,000	6,000	10,000	4,000
Tank	STI-P3	STI-P3	STI-P3	STI-P3	STI-P3
Construction:					
Tank Walls:	Single	Single	Single	Single	Single
Tank RD:	ATG	ATG	ATG	ATG	ATG
Tank CP:	Impressed	Impressed	Impressed	Impressed	Impressed
Pipe Construction:	Steel	Steel	Steel	Steel	Steel
Pipe Walls	Single	Single	Single	Single	Single
Pump Type	Pressurized	Pressurized	Pressurized	Pressurized	Pressurized
Piping RD	ATG/ELLD	ATG/ELLD	ATG/ELLD	ATG/ELLD	ATG/ELLD
Piping CP	Impressed	Impressed	Impressed	Impressed	Impressed
Spill Protection	?	?	?	?	?
Overfill:	?	?	?	?	?

Possible Violations:

1. 280.20(c)(1)(i) – Failure to provide adequate spill prevention equipment
2. 280.20(c)(1)(ii) – Failure to provide adequate overfill prevention equipment

Questions for Scott:

1. I assume that you forgot to write down the overfill method. If so, this violation can then be erased.
2. I also assume you forgot to write down that all the spill buckets were okay except for the premium tank.
3. Where is the crack in the spill bucket? You indicated that it was on top, do you think that it can still hold product from the hose? Do you have a picture of the spill bucket? My thought is that if the crack is isolated to the top and it can still hold some product we can be more forgiving when it comes to enforcement.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Federated Co-op

Recommendations:

I am leaning towards an NOV for the spill bucket issue, but I am not sure.

Compliance Assistance Recommendation:

It sounds like you already discussed the difference between the 0.1 and 0.2 tests for the line tests. My suggestion is to continue to work with them on this and hopefully they will eventually do this if they haven't started already.

Note:

You may already know this but, the annual test of the impressed current system is a state requirement. We only require this to be tested once every three years. I like the fact that the Federated Co-op is willing to conduct this test annually.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
MLB Convenience Store

The inspector arrived at the MLB Convenience Store facility at 1:55 pm on October 30, 2013. The Inspector met with Dave Peer. The inspector observed two (2) 10,000 gallon and two (2) 8,000 USTs located at the facility (See Table 6).

The facility uses an INCON TS-1000 ATG to monitor the USTs. The facility has records for 10 out of the last 12 months indicating it has been monitoring the USTs for a release. The piping is monitored by an INCON TS-LLD ELLD. The facility provided the inspector with a monthly log indicating they are monitoring the system for a release. The ELLD was last tested on June 4, 2013. The UST CP system was tested on October 3, 2013, and there were no issues. There appears to be a discrepancy in the piping type.

Table 6. UST Info for MLB Convenience Store

	1	2	3	4
Contents	Gas	Gas	Gas	Diesel
Capacity:	10,000	10,000	8,000	8,000
Tank Construction:	STI-P3	STI-P3	STI-P3	STI-P3
Tank Walls:	Single	Single	Single	Single
Tank RD:	ATG	ATG	ATG	ATG
Tank CP:	Anode	Anode	Anode	Anode
Pipe Construction:	Coated Steel	Coated Steel	Coated Steel	Coated Steel
Pipe Walls	Single	Single	Single	Single
Pump Type	Pressurized	Pressurized	Pressurized	Pressurized
Piping RD	ELLD	ELLD	ELLD	ELLD
Piping CP	Anode	Anode	Anode	Anode
Spill Protection	Yes	Yes	Yes	Yes
Overfill:	Alarm	Alarm	Alarm	Alarm

Possible Violations:

1. 280.41(a) – For failure to monitor tanks at least every 30 days, if appropriate
2. 280.21(b) – For failure to ensure proper test the CP on the piping every 3 years

Questions for Scott:

1. I am confused about the piping. On the checklist you indicate that the piping is coated steel, but then in the CP section you claim it is FRP. The same issue came up in 2012. In 2010 I observed steel piping, so at some point the piping was replaced. Does the facility have documentation that the piping was upgraded to FRP or are you taking the CP testers word?

Recommendations:

Leaning towards an NOV, indicating facility missing some release detection records, this way the facility knows the problem. We need more info on the piping as describe above.

Compliance Assistance Recommendation:

None.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
East Lake Convenience Store

The inspector arrived at the East Lake Convenience Store at 10:00 am on November 1, 2013. The Inspector met with Dave Peer. The inspector observed two (2) 10,000 gallon USTs located at the facility. One of the USTs is split into two compartments (See Table 7).

The facility uses a Veeder-Root TLS-350 ATG to monitor the UST and associated piping. The inspector observed 12 months of passing leak detector records for all of the USTs. The inspector reviewed the line leak detection records and found that each line passed a 0.1 gal/hr test within the last year. The facility provided records indicate that the ALLD was last tested on June 14, 2013. The CP system for the tanks and piping appears to be operating properly. The system was first tested in September of 2012, and then was repaired in October 2013.

Table 7. UST Info for East Lake Convenience Store

	1	2-1	2-2
Contents	Reg	Prem	Diesel
Capacity:	10,000	6,000	4,000
Tank Construction:	STI-P3	STI-P3	STI-P3
Tank Walls:	Single	Single	Single
Tank RD:	ATG	ATG	ATG
Tank CP:	Anode	Anode	Anode
Pipe Construction:	Coated Steel	Coated Steel	Coated Steel
Pipe Walls	Single	Single	Single
Pump Type	Pressurized	Pressurized	Pressurized
Piping RD	ATG/ELLD	ATG/ELLD	ATG/ELLD
Piping CP	Anode	Anode	Anode
Spill Protection	?	?	?
Overfill:	?	?	?

Possible Violations:

1. 280.20(c)(1)(i) – Failure to provide adequate spill prevention equipment
2. 280.20(c)(1)(ii) – Failure to provide adequate overfill prevention equipment
3. 280.31(a) – Failure to ensure proper operation of cathodic protection system (For not repairing the system in timely manner)

Questions for Scott:

1. I assume that you forgot to write down the overfill method and if there were spill buckets. If so, this violation can then be erased.
2. I would like a little more information regarding the CP testing. On the checklist there are 3 different dates. I assume that on one of the reports the compartmented tank failed. Can you provide me copies of the two tests conducted in 2012? Is there a reason the facility waited so long to repair the CP system, if they have documentation it might clear some things up.

Recommendations:

I am leaning towards an NOV for not maintain the CP, and say that the issue has been resolved, but I need to check into that.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
East Lake Convenience Store

Compliance Assistance Recommendation:

It sounds like you already discussed the difference between the 0.1 and 0.2 tests for the line tests. My suggestion is to continue to work with them on this and hopefully they will eventually do this if they haven't started already.

I would try to emphasize the importance of quickly addressing any issues. I am not sure what the delay was in this case, but normally it should not take this long to make this repair. This applies not only for this facility, but all of them.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Crossroads Convenience Store

The inspector arrived at the Crossroads Convenience Store at 12:15 pm on November 1, 2013. The Inspector met with Dave Peer. The inspector observed two (2) 10,000 gallon USTs located at the facility. One of the USTs is split into two compartments (See Table 8).

The facility uses a Veeder-Root TLS-350 ATG to monitor the UST and associated piping. The inspector observed 12 months of passing leak detector records for all of the USTs. The inspector reviewed the line leak detection records and found that each line passed a 0.1 gal/hr test within the last year. The facility provided records indicate that the ALLD was last tested on June 4, 2013. The inspector was provided a copy of the CP test for the USTs conducted on October 4, 2013, there were no issues.

Table 8. UST Info for Crossroads Convenience Store

	1	2-1	2-2
Contents	Reg	Prem	Diesel
Capacity:	10,000	6,000	4,000
Tank Construction:	STI-P3	STI-P3	STI-P3
Tank Walls:	Single	Single	Single
Tank RD:	ATG	ATG	ATG
Tank CP:	Anode	Anode	Anode
Pipe Construction:	FRP	FRP	FRP
Pipe Walls	Single	Single	Single
Pump Type	Pressurized	Pressurized	Pressurized
Piping RD	ATG/ELLD	ATG/ELLD	ATG/ELLD
Piping CP	N/A	N/A	N/A
Spill Protection	Yes?	Yes?	Yes?
Overfill:	Flapper	Flapper	Flapper

Possible Violations:

1. 280.31(b) – Failure to ensure proper operation of cathodic protection system (For not testing/repairing boot.

Questions for Scott:

1. I assume the date of inspection was 11/1/13 not 10/1/13 as you indicated on the report, am I correct?
2. Was the flex piping in contact with the soil? If it was, there might be a violation, if not then it is not.

Recommendations:

All depend on the flex connector.

Compliance Assistance Recommendation:

It sounds like you already discussed the difference between the 0.1 and 0.2 tests for the line tests. My suggestion is to continue to work with them on this and hopefully they will eventually do this if they haven't started already..

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Grand Casino in Hinckley

The inspector arrived at the Grand Casino in Hinckley at 1:30 pm on October 15, 2013. The Inspector met with Gordy Matrious. The inspector observed one (1) 10,000 gallon UST located at the facility (See Table 9).

The inspector reviewed a year's worth of the release detection records from the INCON TS-1001 Tank Sentinal ATG 12 months of passing leak test results for the UST. The facility uses interstitial monitoring to check the piping for a leak. It also uses this as the method of ALLD. The facility was only able to provide the inspector with 5 months of records indicating that the piping was not leaking.

Table 9. UST Info for Grand Casino in Hinckley

	1
Contents	Diesel
Capacity:	10,000
Tank Construction:	Fiberglass
Tank Walls:	Double
Tank RD:	ATG
Tank CP:	N/A
Pipe Construction:	Fiberglass
Pipe Walls	Double
Pump Type	Pressurized
Piping RD	Sump Sensor
Piping CP	N/A
Spill Protection	Yes
Overfill:	Flapper

Possible Violations:

1. 280.40(a) – Failure to adequately monitor the piping. The facility was not monitoring the piping monthly.

Questions for Scott:

None

Recommendations:

Issue a CAP. I do not feel that the sump sensor, in this case, is being monitored adequately to be considered a method of ALLD. The facility will most likely have to install a traditional ALLD or hire a professional engineer to show that the sump sensor meets the performance standards of an ALLD. I will verify this.

Compliance Assistance Recommendation:

Review the requirements of interstitial monitoring. Remind them that the sump sensor must be monitored monthly.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Isle Public School

The inspector arrived at the Isle Public School facility at 8:45 am on November 15, 2013. The Inspector met with Kevin Schultz. The inspector observed one (1) 10,000 gallon UST and one (1) 2,000 gallon UST located at the facility (See Table 10).

The facility uses an OPW Site Sentinel ATG to monitor the USTs. The facility provided documentation for 10 out of the last 12 months indicating that the tanks have been monitored and that there is no release. The piping is safe suction therefore it does not need to be monitored.

Table 10. UST Info for the Isle Public School

	1	2
Contents	Diesel	Gas
Capacity:	10,000	2,000
Tank Construction:	Fiberglass	Fiberglass
Tank Walls:	Double	Double
Tank RD:	ATG	ATG
Tank CP:	N/A	N/A
Pipe Construction:	Fiberglass	Fiberglass
Pipe Walls	Single	Single
Pump Type	Safe Suction	Safe Suction
Piping RD	N/A	N/A
Piping CP	N/A	N/A
Spill Protection	Yes	Yes
Overfill:	Flapper	Flapper

Possible Violations:

1. 280.41(a) – For failure to monitor tanks at least every 30 days

Questions for Scott:

None

Recommendations:

Leaning towards a NOV and indicate that the issues have been corrected and no further action is necessary.

Compliance Assistance Recommendation:

No additional compliance assistance.

DRAFT - Inspection Report (2013)
Mille Lacs Band of Ojibwe Indians
Anderson Brothers Inc

The inspector arrived at the Anderson Brothers Inc. facility at 10:30 am on November 15, 2013. The Inspector met with Mark Anderson. The inspector observed one (1) 10,000 gallon, one (1) 4,000 gallon and one (1) 2,000 gallon UST located at the facility (See Table 11).

The inspector reviewed the release detection records from the EMC TLS-350l ATG and found 12 months of passing leak test results for each UST. The piping is a safe suction system and does not require further monitoring. The facility provided documentation that the CP system for the piping was tested on shown to be operating properly May 7, 2013.

Table 11. UST Info for Anderson Brothers Inc.

	1	2	3
Contents	Gas (Reg)	Gas (Prem)	Diesel
Capacity:	6,000	4,000	2,000
Tank Construction:	Fiberglass	Fiberglass	Fiberglass
Tank Walls:	Single	Single	Single
Tank RD:	ATG	ATG	ATG
Tank CP:	N/A	N/A	N/A
Pipe Construction:	Steel	Steel	Steel
Pipe Walls	Single	Single	Single
Pump Type	Safe Suction?	Safe Suction?	Safe Suction?
Piping RD	None?	None?	None?
Piping CP	N/A	N/A	N/A
Spill Protection	Yes	Yes	Yes
Overfill:	Ball Float	Ball Float	Ball Float

Possible Violations:

None

Questions for Scott:

1. I am assuming the piping is still safe suction?
2. It looks like the release detection results you provided were gathered from the history. Is Mark looking at the results every month? I am just curious.

Recommendations:

No violation letter.

Compliance Assistance Recommendation:

- Work with Mark to make sure he looks at the RD results monthly (I think you already did this